

**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

WHEREAS, the Tribal Council of the white Mountain Apache Tribe passed Resolution No. 05-97-123, extending by six (6) months the Arizona Department of Transportation's permit to use Kinney Mountain west of McNary for the purpose of providing cinders for use in winter road maintenance; and

WHEREAS, Resolution No. 05-97-123 directed that Tribal and Bureau of Indian Affairs staff meet with ADOT staff to negotiate the conditions of providing a long-term solution for the mining, use and reclamation of mines sites associated with cinder development for ADOT maintenance use; and

WHEREAS, the Tribal Real Estate Officer, Tribal Forester, Tribal Environmental Planner and BIA Forest Manager met with ADOT staff on June 26, 1997, toured the Kinney Mountain site and negotiated an interim plan believed to meet the needs of all parties, as described herein.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby extends the Arizona Department of Transportation's permit for use of the Kinney mountain site for a maximum of three (3) years from the date of this resolution.

BE IT FURTHER RESOLVED by the Tribal Council that no new mining will occur at Kinney Mountain over this three (3) period, but that ADOT will be allowed to use the site for processing previously mines material and for stockpiling material for use over this period.

BE IT FURTHER RESOLVED by the Tribal Council that within one (1) year of the date of this resolution, ADOT provide to the Tribe a list of alternate sites to consider for the 15-20 year production and availability of cinders for use on the Reservation, with likely alternatives including the south side of Kinney Mountain, the existing Blue Mountain Pit, a new pit development at Cerro Gordo all subject to Tribal Council approval and purchasing cinders from an off-Reservation source.

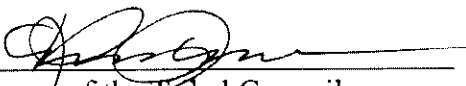
BE IT FURTHER RESOLVED by the Tribal Council that ADOT will also provide within one (1) year of the date of this resolution a final reclamation plan for the north side of Kinney Mountain, subject to review and approval by Tribal and BIA staff and the Tribal Council.

Resolution No. 07-97-192

BE IT FURTHER RESOLVED by the Tribal Council that for all future mining developments on the Reservation in new and previously mined areas, ADOT will be required to develop a "mining and operations reclamation plan," subject to tribal approval prior to starting future mining operations.

BE IT FURTHER RESOLVED by the Tribal Council that the revokable cinder permit extended by this resolution which is attached hereto and incorporated by reference herein shall not be construed to allow any new mining at Kinney Mountain and any provision of the attached revokable cinder permit in conflict with this resolution shall be null and void and all other provisions of the attached revokable cinder permit not in conflict with this resolution shall remain in full force and effect during the three year extension of this resolution, provided however, that the Bureau of Indian Affairs Area Office or local agency requires a new appraisal of the fair market price per cubic yard said appraisal should take place.

The foregoing resolution was on July 10, 1997 duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (c), (e), (f), (h), (i), (m), (n), (q), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council